

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ANDREAS WEILER  
Junior Party  
(Patent No. 6,264,694)<sup>1</sup>

v.

KWAN-HO CHAN  
Senior Party  
(Application 10/202,985)<sup>2</sup>

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Patent Interference No. 105,796  
(Technology Center 3700)

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Before: JAMESON LEE, SALLY G. LANE, and MICHAEL P. TIERNEY,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

**Judgment – Order to Show Cause – Bd. R. 202(d)**

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1 Based on Application 09/248,812, filed February 11, 1999. The real party in interest is Linvatec Corporation.

2 Filed on July 24, 2002. Accorded the benefit of Application 09/315,918, filed May 20, 1999, Provisional Application 60/125,745, filed March 23, 1999, and Provisional Application 60/086,329, filed May 21, 1998.

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1        On May 26, 2011, junior party Weiler was ordered to show cause why  
2 judgment should not be entered against the junior party in this interference for not  
3 having filed a preliminary statement. On June 9, 2011, junior party Weiler  
4 requested entry of adverse judgment. (Paper 25.) The request is herein *granted*.

5        Accordingly, it is time appropriate to enter judgment against junior party  
6 Weiler.

7        It is

8        **ORDERED** that judgment on priority as to Count 1 is entered against junior  
9 party ANDREAS WEILER;

10       **FURTHER ORDERED** that involved claims 4-11 of junior party's Patent  
11 6,264,694 are herein cancelled;

12       **FURTHER ORDERED** that the parties shall note the requirements of  
13 35 U.S.C. §135(c) and Bd.R. 205; and

14       **FURTHER ORDERED** that a copy of this judgment shall be entered into  
15 the file of Patent 6,264,694, and Application 10/202,985.

Interference No. 105,796  
Weiler v. Chan

By Electronic Transmission:

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